

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Walter Curtis Griffin, Jr.

Docket No. 5:03-CR-92-1H

Petition for Action on Supervised Release

COMES NOW Scott Plaster, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Walter Curtis Griffin, Jr., who, upon an earlier plea of guilty to count one-Possession With Intent to Distribute at Least 5 Grams of Cocaine Base (Crack), in violation of 21 U.S.C. § 841(a)(1), and count two-Possession of a Firearm During and In Relation to a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c)(1)(A), was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on October 27, 2003, to the custody of the Bureau of Prisons for a term of 84 months as to count one and 60 months on count two, consecutive to count 1, for a total term of 144 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.

On October 22, 2008, the term of imprisonment on count one was reduced from 84 months to 70 months, pursuant to 18 U.S.C. § 3582(c)(2), while the 60-month term of imprisonment as to count two remained the same, resulting in a total term of imprisonment of 130 months.

On November 21, 2011, pursuant to 18 U.S.C. § 3582(c)(2), the defendant's term of imprisonment as to count one was further reduced from 70 months to 60 months. The term of imprisonment as to count two remained the same, resulting in a total term of imprisonment of 120 months.

Walter Curtis Griffin, Jr. was released from custody on November 22, 2011, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On August 16, 2013, the defendant tested positive for cocaine. The defendant denied using cocaine and refused treatment, but he was placed in the Surprise Urinalysis Program to monitor for additional use. On April 9, 2014, the defendant was charged with Driving While Impaired in Wake County, North Carolina. The charges are pending in state court; however, the defendant was referred to substance abuse treatment which began in June 2014. On August 22, 2014, the defendant tested positive for cocaine. He was confronted with the result pending confirmation by the laboratory and denied using cocaine. The defendant stated he went to a party the night before he submitted the random drug screen, but denied using illegal drugs.

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The test was confirmed positive by the laboratory on September 4, 2014. Since the defendant is already in treatment, he agreed to complete 40 hours of community service work. The treatment provider will also be notified so any changes in the treatment plan can be made as deemed appropriate. Additionally, the \$200.00 special assessment and \$5,000.00 fine imposed in the defendant's case was ordered due in full immediately. There is currently a balance of \$2,988.50 remaining to be paid. It is recommended the defendant make payments towards the balance of the financial obligation in installments of \$50.00 per month until paid in full. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 40 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, the \$200 fee is waived.
2. The defendant shall make payments toward the financial obligation originally imposed in this case in installments of \$50.00 per month until paid in full.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/ Scott Plaster
Scott Plaster
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: September 11, 2014

ORDER OF COURT

Considered and ordered this 16th day of September, 2014, and ordered filed and made a part of the records in the above case.

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